

REMARKS

This responds to the Office Action mailed on August 21, 2007. Reconsideration is respectfully requested.

Claims 1, 2, 5, 6, 9, 11, 13, 14 - 16, 18 – 23, 25, 27 – 29, 31 and 33 – 38 are amended.

Claims 1 – 38 remain pending in this application.

Submission of Formal Drawings

Four sheets of formalized drawings are submitted herewith, and each sheet is identified as “REPLACEMENT SHEET.” It is believed that the drawings are in compliance with 37 CFR 1.84. No amendments have been made to the drawings.

Information Disclosure Statement

Applicants filed an Information Disclosure Statement and Form 1449 with the U.S. Patent and Trademark Office on July 26, 2005 in connection with the above-identified patent application. Applicants received the Form 1449 without two of the listed documents (EP-0939527A1 to Ralf et al. and WO-01/95579A2 to Webster et al.) initialed as considered by the Examiner. Applicants respectfully request that the complete initialed copy of the 1449 Form be returned to Applicants’ Representatives to indicate that the all of the cited documents have been considered by the Examiner.

Allowable Subject Matter

Claims 2-14, 16-20, 22-26, 28-32, 34, 35, 37 and 38 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 5, 6, 9, 11, 13, 14, 16, 18, 19, 20, 22, 23, 25, 28, 29, 31, 34, 35, 37 and 38 have been written in independent form including the base claim and any intervening claims and are believed to be in condition for allowance. Claims 3, 4, 7, 8, 10, 12, 17, 24, 26, 30 and 32 are

believed to be allowable at least because of their dependency on one of the new independent claims that were stated to be allowable.

§103 Rejection of the Claims

Claims 1, 15, 21, 27, 33 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugaya (U.S. 2002/0009055 A1).

Applicant's claim 1, as amended, is directed to a method for transmitting over a high-throughput communication channel. The method includes transmitting a high-throughput packet with a time offset between some portions of the packet transmitted on a first subchannel and some portions of the packet transmitted on a second subchannel. The time offset conveys additional signaling information. As further recited in claim 1, at least some portions of the packet are transmitted concurrently on the first and second subchannels. As further recited in claim 1, the subchannels comprise separate portions of a frequency spectrum and having a subchannel bandwidth. Support for this amendment can be found on page 4, lines 14 – 18 of Applicant's specification, among other places.

Sugaya discloses the transmission of a cycle-time report packet with a cycle time offset data 61 that represents an offset value of cycle time data for the prior frame (see Sugaya paragraphs [0081 – 0082]. According to the Examiner, this corresponds to Applicant's time offset, however Applicant respectfully disagrees with this. In Sugaya, cycle time offset data 61 is *data* that indicates the time offset from a prior frame, which is used for a subsequent timing adjustment. In Applicant's claim 1, portions of a packet are transmitted on a first subchannel and portions of the packet are transmitted on a second subchannel with a time offset between the start of the packet transmissions.

Sugaya also discloses the transmission of packets within different frames. Although the use of different frames may be interpreted broadly as the use of different channels, Applicant's claim 1 recites that the first and second subchannels comprise separate portions of the frequency spectrum. Sugaya, on the other hand, transmits frames in a time multiplexed manner and not on different frequency channels.

Applicant's claim 1, as amended further distinguishes over Sugaya by reciting that the at least some portions of the packet are transmitted *concurrently* on the first and second

subchannels. This concurrent transmission is not taught, suggested, or motivated by Sugaya. Sugaya's frames are transmitted sequentially (see Sugaya FIG. 8) on the same frequency channel.

According, the concurrent use of separate portions of the frequency spectrum to transmit different portions of a packet with a time-offset between the transmissions is not taught, suggested or motivated by Sugaya.

Accordingly, Applicant believes that claim 1 is in condition for allowance. Claims 15, 21, 27, 33 and 36 have similar recitations and are also believed to be in condition for allowance.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((480) 659-3314) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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